

ESTTA Tracking number: **ESTTA590614**

Filing date: **03/04/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Nordstrom, Inc.		
Entity	Corporation	Citizenship	Washington
Address	1617 6th Ave, #500 Seattle, WA 98101 UNITED STATES		

Attorney information	William O. Ferron, Jr. Seed IP Law Group LLP 701 Fifth Avenue, Suite 5400 Seattle, WA 98104 UNITED STATES billf@seedip.com, litcal@seedip.com Phone:206-622-4900
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Registration Subject to Cancellation

Registration No	3564925	Registration date	01/20/2009
Registrant	Phase Eight (Fashion & Designs) Limited 90 Peterborough Road GBX GBX		

Goods/Services Subject to Cancellation

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Jewelry and imitation jewelry; preciousstones; precious metals and their alloys; articles made of precious metals or coated therewith, namely watches and clocks, bracelets, earrings and necklaces
Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Leather and imitation leather; trunks and traveling bags; bags, namely, handbags, purses, shoulder bags, clutches; valises; satchels; cases for travel kits sold empty; vanity cases sold empty; kitbags; rucksacks; string bags for shopping; beach bags; briefcases; wallets; key cases; credit card cases; business card cases; change purses; umbrellas, parasols; walking sticks
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: T-shirts, shirts, tops, blouses, shorts, skirts, swimwear; exercise-wear, namely, dance costumes, golf shirts, gym shorts, gym suits, jogging suits, jogging pants, jogging outfits, leotards, muscle shirts, rugby and other sport specific shorts, shirts and tops, sports bras, sports shirts, pants and short sleeve shirts, track pants and suits, sweat shorts and pants, sports jerseys, walking shorts,warm up outfits and suits, and yoga pants and suits; pants, trousers, jeans, sweatshirts, jumpers, jumpsuits, sweaters,vests, jackets, coats, raincoats; nightgowns, pajamas; undergarments; hats; caps; scarves, mufflers, shawls, textile nappies, neckties; aprons; gloves; neckbands, armbands as clothing, headbands; sandals, slippers, shoes, tennis shoes, sports shoes, lounge shoes; socks; stockings, pantyhose, tights, body stockings; belts
Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Retail department store services; procurement consultation services in the field of purchasing clothing, footwear, clothing accessories and jewelry for others; mail order catalog services featuring general merchandise
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	PC - Phase Eight.pdf(95007 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/William O. Ferron, Jr./
Name	William O. Ferron, Jr.
Date	03/04/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Nordstrom, Inc.,)	
)	Cancellation No. _____
Petitioner,)	
)	Reg. No. 3,564,925
v.)	
)	Attorney Docket No. 700043.80123
Phase Eight (Fashion & Designs) Limited,)	
)	
Respondent.)	
_____)	

PETITION FOR CANCELLATION

Petitioner Nordstrom, Inc. (“Nordstrom”) hereby requests that the Trademark Trial and Appeal Board cancel United States Trademark Registration No. 3,564,925, issued to Phase Eight (Fashion & Designs) Limited (“Respondent”) on January 20, 2009 for the mark PHASE EIGHT for “Jewelry and imitation jewelry; precious stones; precious metals and their alloys; articles made of precious metals or coated therewith, namely watches and clocks, bracelets, earrings and necklaces” in Class 14, and additional goods and services in Classes 18, 25 and 35.

The grounds asserted by Petitioner for cancellation are as follows:

1. Petitioner is a Washington state corporation with an address of 1617 Sixth Avenue, Suite 500, Seattle, WA 98101.
2. Petitioner has applied to register the mark PHASE 3 for “Jewelry” in Class 14 in U.S. Trademark Application Serial No. 86/000971 on July 2, 2013.
3. Respondent’s Registration No. 3,564,925 has been cited against Petitioner’s Application.

4. Upon information and belief, Respondent has ceased using its PHASE EIGHT mark in the United States in connection with its business and the goods and services claimed in its Registration.

5. Upon information and belief, Respondent has no intent to resume use of its PHASE EIGHT mark in the United States for the goods and services claimed in its Registration.

6. Upon information and belief, Respondent has never used its PHASE EIGHT mark in commerce in the United States in connection with the goods and services claimed in its Registration.

7. Upon information and belief, Respondent has abandoned its PHASE EIGHT mark in the United States as to the goods and services claimed in its Registration.

8. Petitioner will be damaged by continuance of Respondent's Registration in that the registration has been cited against Petitioner's Application and may delay or impair Petitioner's ability to register its PHASE 3 mark.

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained and Registration No. 3,564,925 be cancelled.

A. Correspondence Address

Please direct all communications to:

William O. Ferron, Jr.
BillF@SeedIP.com
LitCal@SeedIP.com
SEED IP Law Group PLLC
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104

DATED this 4th day of March, 2014.

Respectfully submitted,

A handwritten signature in blue ink, reading "William O. Ferron, Jr.", is positioned above a horizontal line.

William O. Ferron, Jr.
701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Telephone (206) 622-4900
Facsimile (206) 682-6031

Attorneys for Petitioner
Nordstrom, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that the above **PETITION FOR CANCELLATION** was served on Respondent and Respondent's counsel by depositing same with the U.S. Postal Service, first-class postage prepaid, on March 4, 2014, addressed as follows:

Phase Eight (Fashion & Designs) Limited
90 Peterborough Road
London SW6 3HH
UNITED KINGDOM

/Anne Calico/

Anne Calico